

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

3:96-CR-66-03

UNITED STATES OF AMERICA,)
)
 vs.)
)
 RODNEY SCOTT SMITH,)
)
 _____)

ORDER

THE MATTER before the Court is whether the Defendant, Rodney Scott Smith, is entitled to a sentence reduction by virtue of Amendment 706 (dealing with crack cocaine) of the Sentencing Guidelines. The applicable statute authorizes such reduction if the original sentence was “based on a sentencing range that has been subsequently lowered by the Sentencing Commission.” 18 U.S.C. § 3582(c)(2).

At Rodney Smith’s sentencing, the Court did not sentence him under the career offender guideline, and instead used the otherwise applicable crack cocaine guideline. With the total offense level at 31, Mr. Smith received a guideline range of 188 - 235 months imprisonment. Because the career offender classification was not applied at the original sentence, the total offense level range must now be reduced from 31 to 29. This reduced level would yield a guideline range of 151 - 188 months imprisonment.

Based on the amended guideline range, this Court imposes an amended sentence that is in proportion to the current sentence. Accordingly, the motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2) is GRANTED and the defendant’s previously imposed sentence is reduced to **151 months**.

IT IS SO ORDERED.

Signed: August 20, 2008



Graham C. Mullen
United States District Judge

